

**IN UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>RLI INSURANCE COMPANY</b>	:	Civil Action No. 1:14cv802
	:	
Plaintiff,	:	Judge: Sandra S. Beckwith
	:	Magistrate: Stephanie K. Bowman
Vs.	:	
	:	
<b>FIFTH THIRD BANCORP</b>	:	
	:	
Defendant.	:	
	:	
<b>FIFTH THIRD BANCORP, ET al.,</b>	:	Case No. 1:14-cv-00869
	:	
Plaintiff,	:	Judge: Sandra S. Beckwith
	:	Magistrate: Stephanie K. Bowman
Vs.	:	
	:	
<b>CERTAIN UNDERWRITERS AT</b>	:	
<b>LLOYD'S SUBSCRIBING TO POLICY</b>	:	
<b>B0509QA048710, B0509QA051310,</b>	:	
<b>81906760, ET AL.,</b>	:	
	:	
Defendants.	:	

**AGREED MOTION TO EXTEND DEADLINES TO DISCLOSE EXPERTS**

All parties<sup>1</sup> in the consolidated actions captioned move to extend the deadlines to disclose experts and in support thereof, state as follows:

1. Under the current case management schedule, RLI Insurance Company and Fifth Third Bancorp are required to disclose the identities of their experts on May 6, 2016 and produce initial expert reports on July 11, 2016. (Notation Order, Feb. 19, 2016).

2. Defendants Certain Underwriters at Lloyd's Subscribing to Policy Numbers B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company,

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<sup>1</sup> The parties are: Plaintiff and Counterclaim Defendant RLI Insurance Company, Plaintiff and Defendant Fifth Third Bancorp, and Defendants Certain Underwriters at Lloyd's Subscribing to Policy Numbers B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company, Continental Insurance Company, Fidelity and Deposit Company, and St. Paul Mercury Insurance Company.

Continental Insurance Company, Fidelity and Deposit Company, and St. Paul Mercury Insurance Company are required to disclose the identities of their experts on July 11, 2016 and produce initial expert reports on October 27, 2016. (*Id.*).

3. The parties are currently engaged in extensive discovery. They have, for example, conducted five depositions within the last three weeks and have six additional depositions scheduled during the next three weeks. These depositions have required extensive preparation and travel, and until completion of depositions, the parties are unable to confirm the topics on which expert testimony is needed and identify their experts.

4. The parties do not seek to move the deadlines to disclose expert reports, but instead, ask for leave to merge the deadlines for identifying experts into the deadlines for disclosing expert reports. Doing so will not prejudice any party as each party will learn the names of its opponent's experts in the report and then have time to conduct expert discovery and disclose any necessary rebuttal experts.

5. The parties seek leave to disclose the identities of their experts on the dates they are required to produce expert reports. Under the proposed schedule:

- RLI and Fifth Third Bancorp will disclose their experts and produce initial reports on July 11, 2016.
- Defendants Certain Underwriters at Lloyd's Subscribing to Policy Numbers B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company, Continental Insurance Company, Fidelity and Deposit Company, and St. Paul Mercury Insurance Company will disclose their experts' identities and produce initial reports on October 27, 2016.

6. All parties are in agreement and jointly support this motion.

7. No other deadlines pertaining to discovery will be affected by this motion.

WHEREFORE, all parties respectfully request the Court to move the expert disclosure deadline set for May 6, 2016 to July 11, 2016 and the deadline set for August 29, 2016 to October 27, 2016 (as set forth in Paragraph 5 herein), and for any other relief the Court deems necessary and appropriate.

Dated: April 22, 2016

RESPECTFULLY SUBMITTED,

/s/ Scott Schmookler

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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2016, a copy of the foregoing motion was filed electronically. Notice of this filing will be served on all parties of record by operation of the Court's electronic filing system:

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